

REMARKS

This Response After Final Office Action is submitted in reply to the Final Office Action dated January 21, 2009. Claims 1, 19, 33, and 41 have been amended for clarity. No new matter is added by these amendments. Claims 9, 10, 14, 15, 17, 26 to 28, and 30 stand cancelled. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees due in connection with this Response.

Applicant submits this Response After Final Office Action within two months of the mailing date of the Final Office Action of January 21, 2009. Applicant submits that the arguments contained herein place the pending claims in condition for allowance. Applicant therefore requests that the Examiner either issue a Notice of Allowability pursuant to MPEP §1302.03 or an Advisory Action pursuant to MPEP §706.07(f).

The Office Action rejected claims 1 to 8, 11 to 13, 16 to 25, 29, and 31 to 47 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0181234 to Falciglia, SR. ("Falciglia") in view of U.S. Patent Publication No. 2003/0073480 to Thomas et al. ("Thomas") and further in view of U.S. Patent No. 5,401,024 to Simunek ("Simunek"). Applicant respectfully disagrees with this rejection.

Amended independent claim 1 is directed to a gaming device including, among other elements, a plurality of instructions which when executed by at least one processor, cause the at least one processor to operate with at least one display device and at least one input device, for a play of the game, to cause an additional second award to be provided, the additional second award being based on whether a first symbol is generated for the play of the game, the additional second award being determined based on an outcome of a bonus event, the outcome of the bonus event determined after a first generation by each of a plurality of random symbol generators, the first generation including a generation of the first symbol, and before a subsequent second generation by each of the random symbol generators.

Applicant respectfully submits that neither Falciglia, Thomas, or Simunek alone, nor the combination of Falciglia, Thomas, and Simunek, discloses or renders obvious causing an additional second award to be provided, the additional second award being

determined based on an outcome of the bonus event determined after a first generation by each of the random symbol generations, the first generation including a generation of the first symbol, and before a second generation by each of the random symbol generators, as in amended independent claim 1.

Further, Applicant respectfully submits that though the Office Action rejected claim 1 over Falciglia in view of Thomas and further in view of Simunek, the Office Action did not indicate where the combination of those references disclose causing an additional second award to be provided, the additional second award being determined based on an outcome of a bonus event, the outcome of the bonus event determined after a first generation by each of the random symbol generations, the first generation including a generation of the first symbol, and before a second generation by each of the random symbol generators. Specifically, the Office Action stated that:

Falciglia discloses the claimed invention as discussed above but is silent in regards to claim[] 1...the additional second award being determined based on an outcome of a bonus event, the bonus event occurring after a first generation by each of the random symbol generators and before a second generation by each of the random symbol generators.

Applicant respectfully submits that the Office Action did not thereafter indicate where, in the combination of Falciglia, Thomas, and Simunek, the underlined element is found. After admitting Falciglia's deficiencies, the Office Action did not state that Thomas or Simunek alone, nor the combination of Thomas and Simunek, discloses the additional second award being determined based on an outcome of a bonus event, the outcome of the bonus event determined after a first generation by each of the random symbol generations, the first generation including a generation of the first symbol, and before a second generation by each of the random symbol generators. For at least these reasons, Applicant submits that independent claim 1 patentably distinguished over Falciglia, Thomas, and Simunek, and is in condition for allowance.

Dependent claims 2 to 8, 11 to 13, 16, and 18, which depend directly or indirectly from independent claim 1, are also allowable for the reasons given above with respect to independent claim 1, and because of the additional features recited in these claims.

Amended independent claims 19, 33, and 41 (and dependent claims 20 to 25, 29, 31, 32, 34 to 40, and 42 to 47, which depend directly or indirectly from independent claims 19, 33, or 41) each include certain similar elements to claim 1. For reasons similar to those given above with respect to claim 1, and because of the additional features recited in independent claims 19, 33, and 41 (and dependent claims 20 to 25, 29, 31, 32, 34 to 40, and 42 to 47) are patentably distinguished over Falciglia in view of Thomas and further in view of Simunek, and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art, such allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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